

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

08/526,091 09/11/95 SHIMIZU

C 940494A

EXAMINER

LEE, M

ART UNIT

PAPER NUMBER

2514

DATE MAILED: 05/30/96

B5M1/0530
ARMSTRONG WESTERMAN HATTORI MCLELAND
& NAUGHTON
SUITE 1000
1725 K STREET
WASHINGTON DC 20006

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 13-26 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 13-26 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Serial Number: 08/526,091

Applicant(s): Chizu SHIMIZU et al ^(235,383) -2-

Art Unit: 2514

Representative: Patrick D. Muir ^(37,403)

Part III DETAILED ACTION

1. Acknowledgement is made that this invention is a divisional of Application Serial No. 08/274,041, filed 12 July 1994, now pending.

Priority

5 2. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. § 119. The certified copy has been filed in parent application, Serial No. 08/274,041, filed on 12 July 1994.

Additional Remarks

3. The application contains disclosure entirely outside the bounds of the allowed claims.
10 Applicants are required to modify the brief summary of the invention and restrict the descriptive matter so as to be in harmony with the claims (M.P.E.P. § 1302.01).

Furthermore, the Applicants are reminded that figures 1-5, 7-9, 14-16, 18-28, and 31 are extraneous subject matter and therefore it should be modified or deleted. Figures 6, 10-13, 17, 29-30, and 32-33 are most pertained to the present claimed invention.

15

Drawings

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Serial Number: 08/526,091

Applicant(s): Chizu SHIMIZU et al ^(235,383) -3-

Art Unit: 2514

Representative: Patrick D. Muir ^(37,403)

Specification

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5 ✓ 6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

✓ 7. The Abstract of the Disclosure is objected to because it should clearly describe the invention recited in the present claimed invention (e.g., the abstract should further include such feature as "prepaid/magnetic/credit/bank card"). Correction is required. See M.P.E.P. § 608.01(b).

10 8. A substitute specification in proper idiomatic English and in compliance with 37 C.F.R. § 1.52 (a and b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Such statement must be a verified statement if made by a person not registered to practice before the Office.

The specification should be revised carefully. **Examples** of such errors are:

15 ✓ Page 3, lines 24-25: "... , an operator no more need read the commodity codes of commodities on by one, ..." is not in proper idiomatic English.

✓ Page 4, lines 1-3: ".... Consequently, the customer need not wait for a long time any more and also the burden on the operator can be reduced remarkably." is not in proper idiomatic English.

✓ Page 5, lines 15-19: "... Further, when it is tried to return a commodity for which before such reading, ..." is not in proper idiomatic English.

20

Serial Number: 08/526,091

Applicant(s): Chizu SHIMIZU et al (235,383)

-4-

Art Unit: 2514

Representative: Patrick D. Muir (37,403)

✓ Page 21, lines 23-25: "... magnetic information of the card read by the magnetic card reading section some other day." is not in proper idiomatic English.

Claim Rejections - 35 USC § 102

5 9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

10 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 22 is rejected under 35 U.S.C. § 102(b) as being anticipated by Collins, Jr. (US 5,149,947, hereinafter Collins).

Collins shows and teaches a portable check-out system having all of the elements and means as recited in claim 22. For example, Collins teaches the following:

15 A purchased commodity accommodating and transporting apparatus/cart 50 (see figs. 3-5; and col. 3, lines 46-49) comprising scanning terminal 44 (see figs. 3-5; and col. 3, line 48 and lines 62+); an accommodation section (see figs. 3-5); a magnetic card reading section [88, 90] (see figs. 3-5; and col. 4, lines 3-8); a commodity price retrieval section [102, 104] (see fig. 7; and col. 4, lines 30+); and a management section 110 (see col. 4, lines 37+).

20 Although, Collins is silent with respect to the "automatic clearing processing section for automatically clearing the amount of money corresponding to the price of the commodity retrieved by said commodity price retrieval section from an account corresponding to the magnetic information of the card read by said magnetic card reading section ...", it is clearly anticipated by Collins to

accomplish the above task/validation of the credit card account upon completion of the purchase.

Moreover, such "clearing processing section ... said magnetic card.." are common practice in the prior art systems.

5

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

10

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

20

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

25

12. Claims 13-21 and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over Collins.

The teachings of Collins have been discussed above.

Re claims 13-15 and 23: Although, Collins fail to show or disclose a "prepaid card inputting processing section ... reading remains information of the prepaid card" as recited in claims 13 and 23; "a notification section for notifying, when the remains read by said prepaid card ... shortage" as

Serial Number: 08/526,091

Applicant(s): Chizu SHIMIZU et al (235,383)

-6-

Art Unit: 2514

Representative: Patrick D. Muir (37,403)

recited in claim 14; and "a selection section for selecting ... inserting a second prepaid card ... purchasing processing is to be ended" as recited in claim 15, it would have been obvious to an artisan at the time the invention was made to substitute the credit card system as taught by Collins with a notoriously old and well known prepaid card system due to the fact that both the credit card and the prepaid card are art recognized equivalent and/or substitution of equivalence. Furthermore, with respect to the "reading remains ... prepaid card", "notification section ...", and "selection section ... inserting a second prepaid card", one of ordinary skill in the art would have recognized that such practices as discussed above are commonly practiced in the prior art systems (e.g., Metro fare cards are believed to be a prepaid cards whereby the Metro fare card system clearly practices the above practices and/or procedures). Thus, in view of the commonly known practices/procedures, as discussed above, it would have been obvious to an artisan at the time the invention was made to incorporate such conventional practices/procedures to the teachings of Collins because such incorporation would have constituted an obvious expedient well within the ordinary skill in the art.

Re claims 16-18: As to the "receipt issuance section", Collins discloses a printer 84 which issues a receipt 86 (see col. 3, lines 67+; and col. 4, lines 51-52).

Re claims 19-21: With regard to "receipt issuance selection section for selecting whether the issuance of a receipt by said receipt issuance section is necessary or unnecessary", it would have been obvious to an artisan at the time the invention was made to incorporate such receipt issuance selection section to the teachings of Collins due to the fact that it is notoriously old and well known in the prior art systems, such as retail stores, grocery stores, etc., whereby the vendee can specifically request to the vendor to either provide him/her (i.e., the vendee) with a receipt of the purchases made or to

Serial Number: 08/526,091

Applicant(s): Chizu SHIMIZU et al (235,383) **-7-**

Art Unit: 2514

Representative: Patrick D. Muir (37,403)

discard it. Since, Collins discloses a stand-alone credit card check-out system and the printer for printing the receipt, in view of the conventional procedures as discussed above, one of ordinary skill in the art would have contemplated that one (i.e., the vendee) may or may not wish to receive a receipt upon completion of the transaction, and therefore, to incorporate the receipt issuance selection section would have constituted an obvious expedient well within the ordinary skill in the art.

13. Claims 24-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Collins, in view of Ehrat (US 3,836,755). The teachings of Collins have been discussed above.

Collins fail to show or teach "a data reception section for receiving data from a management section, and a power on/off drive section ..." as recited in claim 24; and "a weighing equipment for measuring the total weight of commodities ... detecting the variation of the total weight of the commodities .. , and alarm generation section ..." as recited in claims 25 and 26.

Ehrat teaches a purchasing trolley 2, comprises a reading means 24; a goods basket 18; weighing pan of scales 182; signalling means [SE₁, SE₂]; a purchasing container electronic system 91 to determine whether the data of the data support were correctly read and whether the weight increase measured by the scales coincides within specific limits with the weight data on the data support or whether placing the article into the goods basket was accompanied by a weight increase; an error recognition circuit and transmission section (see col 6, line 13 through col. 7, line 9); weight comparison section 42; weight store [38, 39]; output 95 for off-line operation and output S for on-line operation; check-out station 4 (i.e., POS terminal) having a panel/display [4c, 4i]; and a computer 93 which is capable of transmitting/receiving data from the purchasing trolley, and furthermore, the computer 93 includes the means for enabling and/or disabling the trolley via communication means

Serial Number: 08/526,091

Applicant(s): Chizu SHIMIZU et al ^(235,383)

-8-

Art Unit: 2514

Representative: Patrick D. Muir ^(37,403)

(see col. 19, lines 58+). See figures 1-5, 13, and 23; abstract; col. 1, lines 5-18; col. 1, line 47 through col. 2, line 21; col. 3, line 15 through col. 4, line 63; col. 6, line 13 through col. 7, line 62; col. 14, lines 4-57; col. 16, lines 38-64; and col. 18, line 1 through col. 19, line 38.

In view of Ehrat's teaching, it would have been obvious to an artisan at the time the invention was made to integrate the notoriously old and well known scale/weighing equipment and the means for enabling/disabling the trolley to the teachings of Collins for a greater security purposes and a more versatile system (i.e., the modified stand-alone system will inherently measure and monitor (i.e., without the aide of a plurality of personnel) when each article is read-in so that fraudulent manipulations are practically eliminated).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Swartz et al (US 5,412,193) and Hubert et al (DE 39-40-605-A1) shows and discloses transporting shopping cart with a credit card reader; and Gogulski (US 4,071,740), Johnsen (US 5,250,789), Collins, Jr. (US 4,929,819), Halling et al (US 5,418,354), Raimbault et al (US 5,426,423), Ofuku (JP 5-108954), Weir (GB 1,267,630), Martin (EP 0-178-223-A2), and Hehemann (DT 2,139,889) shows and discloses a mobile shopping cart with an UPC code reader/scanner.

15. Papers related to this application may be submitted to Group 2500 by facsimile transmission. Papers should be faxed to Group 2500 via the PTO fax machine located in Crystal Plaza 2. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP-2 fax machine number is (703)305-3594 or (703)308-7723.

Serial Number: 08/526,091

Applicant(s): Chizu SHIMIZU et al (235,383)

-9-

Art Unit: 2514

Representative: Patrick D. Muir (37,403)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Michael G. Lee* whose telephone number is (703)305-3503, and who can be reached between the hours of 6:30AM to 3:00PM Monday thru Thursday and every other Friday (second Friday of the bi-week).

5 Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-0956.



MGL

10 May 20, 1996



DONALD T. HAJEC
SUPERVISORY PATENT EXAMINER
GROUP 2500